United Nations A/59/602

General Assembly

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Fifty-ninth session
Agenda item 3 (b)

Credentials of representatives to the fifty-ninth session of the General Assembly

Report of the Credentials Committee

Chairman: Mr. Nana **Effah-Apenteng** (Ghana)

1. At its 1st plenary meeting, on 14 September 2004, the General Assembly, in accordance with rule 28 of its rules of procedure, appointed a Credentials Committee for its fifty-ninth session consisting of the following Member States: Benin, Bhutan, China, Ghana, Liechtenstein, the Russian Federation, Trinidad and Tobago, the United States of America and Uruguay.

2. The Credentials Committee held its meeting on 10 December 2004.

3. Nana Effah-Apenteng (Ghana) was unanimously elected Chairman.

4. The Committee had before it a memorandum by the Secretary-General dated 10 December 2004 concerning the credentials of representatives of Member States to the fifty-ninth regular session of the General Assembly. The Legal Counsel made a statement updating the information contained in the memorandum of the Secretary-General.

5. As indicated in paragraph 1 of the memorandum of the Secretary-General, updated by the Legal Counsel, formal credentials in the form required by rule 27 of the rules of procedure of the General Assembly had been submitted by the following 133 States: Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, the Bahamas, Bahrain, Barbados, Bhutan, Bolivia, Bosnia and Herzegovina, Brunei Darussalam, Burkina Faso, Cameroon, Canada, Cape Verde, the Central African Republic, Chile, China, Colombia, the Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, the Czech Republic, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Denmark, Djibouti, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, the Gambia, Germany, Guatemala, Guinea, Hungary, Iceland, Indonesia, the Islamic Republic of Iran, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, the Lao People's Democratic Republic, Latvia, Lesotho, the Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia,

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Maldives, Mali, Malta, Mauritius, Mexico, the Federated States of Micronesia, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Nepal, the Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, the Philippines, Poland, Portugal, Qatar, the Republic of Korea, the Republic of Moldova, Romania, the Russian Federation, Saint Kitts and Nevis, Samoa, San Marino, Saudi Arabia, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, the Sudan, Swaziland, Sweden, Switzerland, the Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, the United Arab Emirates, the United Republic of Tanzania, the United States of America, Uzbekistan, the Bolivarian Republic of Venezuela, Viet Nam, Yemen and Zimbabwe.

6. As indicated in paragraph 2 of the Secretary-General's memorandum, as updated by the Legal Counsel, information concerning the appointment of their representatives to the fifty-ninth session of the General Assembly had been communicated to the Secretary-General, by means of a facsimile communication from the Head of State or Government or Minister for Foreign Affairs, or by means of a letter or note verbale from the Permanent Mission concerned, by the following 58 States: Afghanistan, Angola, Bangladesh, Belarus, Belgium, Belize, Benin, Botswana, Brazil, Bulgaria, Burundi, Cambodia, Chad, the Comoros, Dominica, the Dominican Republic, Ecuador, Eritrea, Estonia, Gabon, Georgia, Ghana, Greece, Grenada, Guinea-Bissau, Guyana, Haiti, Honduras, India, Iraq, Kiribati, Kyrgyzstan, Lebanon, Liberia, Lithuania, Mauritania, the Marshall Islands, Namibia, Nauru, the Niger, Palau, Papua New Guinea, Peru, Rwanda, Saint Lucia, Sao Tome and Principe, Saint Vincent and the Grenadines, Senegal, Seychelles, Solomon Islands, Somalia, Suriname, Tajikistan, Tuvalu, the United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu and Zambia.

7. The Chairman then proposed the following draft resolution for adoption by the Committee:

> "*The Credentials Committee*,
>
> "*Having examined* the credentials of the representatives to the fifty-ninth session of the General Assembly of the Member States referred to in paragraphs 5 and 6 of the report of the Credentials Committee,
>
> "[*Taking into account* the statements made during the debate,]
>
> "*Accepts* the credentials of the representatives of the Member States concerned."

8. The draft resolution proposed by the Chairman was adopted without a vote.

9. The Chairman then proposed that the Committee recommend to the General Assembly the adoption of a draft resolution (see para. 11). The proposal was adopted without a vote.

10. In the light of the foregoing, the present report is submitted to the General Assembly.

Recommendation of the Credentials Committee

11. The Credentials Committee recommends to the General Assembly the adoption of the following draft resolution:

Credentials of representatives to the fifty-ninth session of the General Assembly

The General Assembly,

Having considered the report of the Credentials Committee and the recommendation contained therein,[1]

Approves the report of the Credentials Committee.

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[1] A/59/602, para. 11.

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General Assembly

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Fifty-ninth session
Agenda item 121

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Report of the Fifth Committee

Rapporteur: Mrs. Denisa **Hutăнová** (Slovakia)

I. Introduction

1. At its 2nd plenary meeting, on 17 September 2004, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-ninth session the item entitled "Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 27th and 30th meetings, on 24 November and 14 December 2004. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/59/SR.27 and 30).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Financial report and audited financial statements and report of the Board of Auditors on the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens

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Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994;[1]

(b) First performance report of the Secretary-General on the International Criminal Tribunal for Rwanda for the biennium 2004-2005 (A/59/549);

(c) Report of the Secretary-General on the review of the biennialization of the budgets for the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia (A/59/139);

(d) Report of the Advisory Committee on Administrative and Budgetary Questions (A/59/561).

II. Consideration of draft resolution A/C.5/59/L.15

4. At its 30th meeting, on 14 December, the Committee had before it a draft resolution entitled "Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994" (A/C.5/59/L.15), which was submitted by the Chairman on the basis of informal consultations coordinated by the representative of Australia.

5. At the same meeting, the Committee adopted draft resolution A/C.5/59/L.15 without a vote (see para. 6).

[1] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 5K* (A/59/5/Add.11).

III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

The General Assembly,

Having considered the reports of the Secretary-General, namely the first performance report for the biennium 2004-2005 on the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994[1] and the report on biennial budgeting at the Tribunals,[2]

Having also considered the report of the Board of Auditors and the recommendations contained therein,[3]

Having further considered the related report of the Advisory Committee on Administrative and Budgetary Questions,[4]

Recalling its resolution 49/251 of 20 July 1995 on the financing of the International Criminal Tribunal for Rwanda and its subsequent resolutions thereon, the latest of which were resolutions 58/252 and 58/253 of 23 December 2003,

1. *Takes note* of the first performance report of the Secretary-General for the biennium 2004-2005 on the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994[1] and the report on biennial budgeting at the Tribunals;[2]

2. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;[4]

3. *Notes with concern* the precarious financial situation of the International Criminal Tribunal for Rwanda;

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[1] A/59/549.

[2] A/59/139.

[3] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 5K* (A/59/5/Add.11).

[4] A/59/561.

4. *Also notes with concern* the levels of unpaid assessed contributions, and urges Member States to pay their assessed contributions on time, in full and without conditions;

5. *Further notes with concern* the resulting freeze imposed by the Secretariat on the International Criminal Tribunal for Rwanda and the negative impact it is having on the completion strategy schedule, and requests the Secretary-General, in consultation with the Tribunal, to present proposals on ways to ameliorate the staffing situation at the Tribunal in the context of the proposed budget for the biennium 2006-2007;

6. *Requests* the Secretary-General to ensure that areas critical to the successful completion of the mandate of the Tribunal, in accordance with the completion strategy, are exempt from any freezes;

7. *Also requests* the Secretary-General to make every effort to reduce the vacancy rate and improve staff retention at the Tribunal, including by extending contracts of staff performing functions that are central to the implementation of the completion strategy beyond the period of the current budget;

8. *Further requests* the Secretary-General to submit the reports requested in paragraphs 17 and 23 of General Assembly resolution 58/253 in the context of the proposed budget of the Tribunal for the biennium 2006-2007;

9. *Welcomes* the efforts of the Tribunal, in accordance with its statute, to assist the Government of Rwanda in strengthening its judiciary, and requests the Tribunal to increase its capacity-building efforts for the judiciary of Rwanda, including through recruitment of Rwandan legal professionals and training and attachment programmes, in view of the intention to transfer cases for prosecution to Rwanda as from 2005;

10. *Recognizes* the importance of carrying out an effective outreach programme in the overall mandate of the Tribunal and its completion strategy, and requests the Tribunal, in accordance with its mandate, to develop and implement outreach programmes that are proactive, utilizing available resources optimally, and that contribute to the reconciliation process by effectively developing an increased understanding of its work among Rwandans;

11. *Requests* the Secretary-General to report on the outreach programme of the Tribunal and on future measures to ensure the smooth transfer of cases to national jurisdiction in the context of the proposed budget of the Tribunal for the biennium 2006-2007;

12. *Decides* to approve the proposed post and non-post resources for the Investigations Division for 2005;

13. *Decides also* on a revised appropriation to the Special Account for the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 of a total amount of 255,909,500 United States dollars gross (231,506,500 dollars net) for the biennium 2004-2005;

14. *Decides further* to apportion for 2005 the amount of 69,123,700 dollars gross (62,434,375 dollars net), including 10,292,650 dollars gross (9,115,500 dollars net), being the increase in assessments among Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2005;

15. *Decides* to apportion for 2005 the amount of 69,123,700 dollars gross (62,434,375 dollars net), including 10,292,650 dollars gross (9,115,500 dollars net), being the increase in assessments among Member States in accordance with the rates of assessment applicable to peacekeeping operations for 2005;

16. *Decides also* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 14 and 15 above, their respective share in the Tax Equalization Fund in the amount of 13,378,650 dollars, including 2,354,300 dollars, being the increase in the estimated staff assessment income approved for the International Criminal Tribunal for Rwanda for the biennium 2004-2005.

Annex

Financing for the biennium 2004-2005 of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

	Gross	*Net*
	(United States dollars)	
1. Initial appropriation for the biennium 2004-2005 (resolution 58/253)	235 324 200	213 275 500
Add:		
2. Proposed changes for the biennium 2004-2005 (A/59/549)	25 647 300	23 293 000
Less:		
3. One-time adjustment reflecting projected savings for 2004 (A/59/549)	(5 062 000)	(5 062 000)
4. Proposed revised appropriation for the biennium 2004-2005	255 909 500	231 506 500
5. Assessment for 2004	(117 662 100)	(106 637 750)
6. Balance to be assessed for 2005	138 247 400	124 868 750
Of which:		
7. Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2005	69 123 700	62 434 375
8. Contributions assessed on Member States in accordance with the scale of assessments applicable to peacekeeping operations of the United Nations for 2005	69 123 700	62 434 375

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Fifty-ninth session
Agenda item 122

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Report of the Fifth Committee

Rapporteur: Mrs. Denisa **Hutňanová** (Slovakia)

I. Introduction

1. At its 2nd plenary meeting, on 17 September 2004, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-ninth session the item entitled "Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 27th and 30th meetings, on 24 November and 14 December 2004. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/59/SR.27 and 30).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Financial report and audited financial statements and report of the Board of Auditors on the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991;[1]

(b) Report of the Secretary-General on biennial budgeting at the Tribunals (A/59/139);

[1] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 5L* (A/59/5/Add.12).

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(c) Report of the Secretary-General on the first performance report of the International Tribunal for the Former Yugoslavia for the biennium 2004-2005 (A/59/547);

(d) Report of the Advisory Committee on Administrative and Budgetary Questions (A/59/561).

II. Consideration of draft resolution A/C.5/59/L.16

4. At its 30th meeting, on 14 December, the Committee had before it a draft resolution, entitled "Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991" (A/C.5/59/L.16), which was submitted by the Chairman on the basis of informal consultations coordinated by the representative of Australia.

5. At the same meeting, the Committee adopted draft resolution A/C.5/59/L.16 without a vote (see para. 6).

III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

The General Assembly,

Having considered the reports of the Secretary-General, namely the first performance report of the International Tribunal for the Former Yugoslavia for the biennium 2004-2005[1] and the report on biennial budgeting at the Tribunals,[2]

Having also considered the report of the Board of Auditors and the recommendations contained therein,[3]

Having further considered the related report of the Advisory Committee on Administrative and Budgetary Questions,[4]

Recalling its resolution 47/235 of 14 September 1993 on the financing of the International Tribunal for the Former Yugoslavia and its subsequent resolutions thereon, the most recent of which were resolution 58/254 and resolution 58/255 of 23 December 2003,

1. *Takes note of* the first performance report of the Secretary-General for the biennium 2004-2005 on International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991[1] and the report on biennial budgeting at the Tribunals;[2]

2. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

3. *Notes* with concern the precarious financial situation of the International Tribunal for the Former Yugoslavia;

4. *Also notes* with concern the levels of unpaid assessed contributions, and urges Member States to pay their assessed contributions on time, in full and without conditions;

5. *Further notes* with concern the resulting freeze imposed by the Secretariat on the International Tribunal for the Former Yugoslavia and the negative impact it is having on the completion strategy schedule, and requests the Secretary-General, in consultation with the Tribunal, to present proposals on ways to ameliorate the staffing situation at the Tribunal in the context of the proposed budget for the biennium 2006-2007;

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[1] A/59/547.

[2] A/59/139.

[3] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 5L* (A/59/5/Add.12).

[4] A/59/561.

6. *Requests* the Secretary-General to ensure that areas critical to the successful completion of the mandate of the Tribunal, in accordance with the completion strategy, are exempt from any freezes;

7. *Also requests* the Secretary-General to make every effort to reduce the vacancy rate and improve staff retention at the Tribunal, including through extending contracts of staff performing functions that are central to the implementation of the completion strategy beyond the period of the current budget;

8. *Decides* to approve the proposed post and non-post resources for the Investigations Division for 2005;

9. *Also decides* on a revised appropriation to the Special Account for the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Law Committed in the Territory of the Former Yugoslavia since 1991 of a total amount of 329,317,900 United States dollars gross (298,437,000 dollars net) for the biennium 2004-2005;

10. *Further decides* to apportion for the year 2005 the amount of 90,148,375 dollars gross (81,300,850 dollars net), including 15,637,800 dollars gross (13,383,200 dollars net), being the increase in assessments among Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year 2005;

11. *Decides* to apportion for the year 2005 the amount of 90,148,375 dollars gross (81,300,850 dollars net), including 15,637,800 dollars gross (13,383,200 dollars net), being the increase in assessments among Member States in accordance with the rates of assessment applicable to peacekeeping operations for the year 2005;

12. *Also decides* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 10 and 11 above, their respective share in the Tax Equalization Fund in the amount of 17,695,050 dollars, including 4,509,200 dollars, being the increase of the estimated staff assessment income approved for the International Tribunal for the Former Yugoslavia for the biennium 2004-2005.

Annex

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 for the biennium 2004-2005

(In United States dollars)

	Gross	*Net*
1. Initial appropriation for the biennium 2004-2005 (resolution 58/255)	298 226 300	271 854 600
Add:		
2. Proposed changes for the biennium 2004-2005 (A/59/547)	38 023 300	33 514 100
Less:		
3. One-time adjustment reflecting projected savings for 2004 (A/59/547)	(6 747 700)	(6 747 700)

	Gross	*Net*
4. Estimated income for the biennium 2004-2005	(184 000)	(184 000)
5. Proposed revised appropriation for the biennium 2004-2005	329 317 900	298 437 000
6. Assessment for 2004	(149 021 150)	(135 835 300)
7. Balance to be assessed for 2005	180 296 750	162 601 700
Including:		
8. Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2005	90 148 375	81 300 850
9. Contributions assessed on Member States in accordance with the scale of assessments applicable to peacekeeping operations of the United Nations for 2005	90 148 375	81 300 850